

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6713 of 2007

Dated: 24-04-2007

Between:

M.V. Subba Reddy.

..... PETITIONER

AND

The District Level Sand Committee, rep. by its Chairman,
Rajahmundry, East Godavari, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6713 of 2007

ORDER:

The District Level Sand Committee, first respondent herein, conducted auction to grant temporary permit/lease for sand reach at package No.6, Gowthami Left Bank from kilometers 1/000 to 9/000 and from kilometers 3/000 to 5/000 Vasista Right Bank ramp for a period of fifteen days from 19.02.2007 to 05.03.2007. In said auction conducted on 19.02.2007, the petitioner became highest bidder at Rs.3,00,000/-. The petitioner was accordingly granted temporary permit/lease initially for fifteen days from 01.03.2007 to 15.03.2007. The period was extended subsequently for another period of fifteen days from 16.03.2007 to 30.03.2007. Yet again considering the request of the petitioner, the period was extended for six days from 31.03.2007 to 05.04.2007. When said period/lease was existing, first respondent issued notice No.1908/TP-SAND/2007 dated 31.03.2007 inviting sealed tenders of issue of temporary permit/lease for quarrying sand at package No.6 for a period of fifteen days. The auction was to be held on 06.04.2007. Aggrieved by the same, instant writ petition is filed.

The learned counsel for the petitioner submits that Rule 9(l) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (the Rules, for brevity) enables first respondent to grant temporary permit/lease for fifteen days and the same can be extended not exceeding sixty days. According to the learned counsel, when the petitioner is willing to enhance lease amount, it was improper on the part of first respondent to have granted lease only for six days i.e., from 31.03.2007 to 05.04.2007.

After getting instructions, the learned Government Pleader for Mines and Geology, submits that the auction was held on 06.04.2007 leasing out the area for a period of fifteen days in favour of third respondent. He also submits that the petitioner was granted two extensions and as the committee felt that better price would be obtained, the auction was held on 06.04.2007. He further submits that in the auction held on 06.04.2007, the highest bid was at Rs.3,10,000/-, which was accepted and temporary permit/lease was accordingly granted to third respondent.

Aggrieved by the auction to be held on 06.04.2007, instant writ petition is filed. As the auction was held on 06.04.2007 granting temporary permit/lease for a period of fifteen days and even the period of fifteen days is over as of today, nothing survives for adjudication in this writ petition. This Court, however, observes that if it is decided to do so, first respondent may conduct fresh auction after following necessary

procedure under the Rules.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

24th April, 2007
ghn